

Mayor Joseph S. Kroll
Vice President Jay G. Foy
Council Member Henry "Butch" Lynch
Assistant Town Administrator / Town Clerk Janice C. Rutan
Town Attorney John Foster

Council President James E. Woods
Council Member Jerry E. Beavers
Council Member Mark C. Uptegraph



TOWN COUNCIL REGULAR MEETING

**Town Council Meeting
Town Hall Council Chambers**

Thursday ~ April 12, 2007

7:00 p.m.

AGENDA

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. APPROVAL OF AGENDA**
- VI. APPROVAL OF THE CONSENT AGENDA**
 - a. Approval of the minutes of March 8, 2007 Regular Meeting**
 - b. Approval of the minutes of March 22, 2007 Regular Meeting**
- VII. COMMENTS FROM THE PUBLIC**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT**
- IX. SECOND READINGS AND PUBLIC HEARINGS**
 - a. ORDINANCE NO. 361**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA AMENDING CHAPTER 54, SUBDIVISIONS, PLATTING AND REQUIRED IMPROVEMENTS, BY AMENDING SUBSECTION (A) OF SECTION 54-7, ACCESS AND CIRCULATION SYSTEMS, BY REQUIRING A MINIMUM RIGHT-OF-WAY OF 50 FEET FOR CURB AND GUTTER AND 60 FEET FOR SWALES, AND, SUBJECT TO PRIOR APPROVAL OF THE TOWN, ALLOWING FOR A COMMON DRIVEWAY TO BE UTILIZED FOR ACCESS TO NOT MORE THAN TWO ABUTTING LOTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.

- X. FIRST READINGS AND REGULAR AGENDA**
 - a. Resolution R2007-03 re: Linear Park**
- XI. REPORTS**
 - a. Town Attorney**
 - b. Mayor**
 - c. Consultants**
 - d. Assistant Town Administrator/Town Clerk**
 - e. Committee/Delegate Report**
 - f. Treasurer's Report**
- XII UNFINISHED BUSINESS**
- XIII NEW BUSINESS**
- XIV ADJOURNMENT**

Notice: If any person decides to appeal any decision of the Town Council at this meeting, he/she will need a record of the proceedings and for this purpose; he/she needs to ensure that a verbatim record of the proceedings is made. The record must include the testimony and evidence upon which the appeal is to be based, pursuant to F.S. 286.0105. The Town of Haverhill does not prepare nor provide such verbatim record.

In accordance with the provisions of the American with disabilities Act (ADA), this document can be made available in an alternate format (large print) upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting Janice C. Rutan, Assistant Town Administrator and Town Clerk, at the Haverhill Town Hall, 4585 Charlotte Street, Haverhill, Florida. Phone Number (561) 689-0370 Facsimile Number (561) 689-4317

TOWN COUNCIL REGULAR MEETING

**Town Council Meeting
Town Hall Council Chambers
Thursday ~ April 12, 2007**

7:00 p.m.

OFFICIAL MINUTES

Pursuant to the foregoing notice, the regular meeting of the Town of Haverhill Town Council was held on Thursday, April 12, 2007 at the Town Hall, 4585 Charlotte Street, Haverhill. Present were Town Council President James E. Woods, Council Vice President Jay G. Foy, Council Member Jerry E. Beavers, Council Member Henry "Butch" Lynch and Council Member Mark C. Uptegraph. Advisors to the Town Council present were Town Attorney Lance Fuchs, Town Planner Jack Horniman, Town Clerk Janice C. Rutan and Code Enforcement Officer/Director of Public Works Joseph Roche.

CALL TO ORDER:

Council President Woods called the meeting to order at 7:01 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council President Woods offered the Invocation and led the Pledge of Allegiance.

ROLL CALL

The Town Clerk called the roll. All members were present with the exception of the Mayor.

APPROVAL OF AGENDA

There being no changes, substitutions or deletions the Council President ordered the agenda approved as presented.

APPROVAL OF THE CONSENT AGENDA

a. Approval of the minutes of March 8, 2007 Regular Meeting

b. Approval of the minutes of March 22, 2007 Regular Meeting

A motion was made by Council Vice President Foy, seconded by Council Member Henry Lynch and unanimously passed (5-0) to approve the consent agenda as presented.

COMMENTS FROM THE PUBLIC

None.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT

Sergeant Slaughter of the Palm Beach County Sheriff's Department addressed the Town Council. He reported on vehicle burglaries that had occurred on Club Road, Stafford Road, Grove Street and Woodland Road. There were also reports of runaways. He explained that the vehicle burglaries were crimes of opportunity prompted by people leaving visible valuables in the vehicles. He reported that the Palm Beach County Sheriff's Department had broken up a roof top burglary crime ring the previous evening in the area of Belvedere Road and Military Trail.

SECOND READINGS AND PUBLIC HEARINGS

ORDINANCE NO. 361

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL,
FLORIDA AMENDING CHAPTER 54, SUBDIVISIONS, PLATTING AND**

REQUIRED IMPROVEMENTS, BY AMENDING SUBSECTION (A) OF SECTION 54-7, ACCESS AND CIRCULATION SYSTEMS, BY REQUIRING A MINIMUM RIGHT-OF-WAY OF 50 FEET FOR CURB AND GUTTER AND 60 FEET FOR SWALES, AND, SUBJECT TO PRIOR APPROVAL OF THE TOWN, ALLOWING FOR A COMMON DRIVEWAY TO BE UTILIZED FOR ACCESS TO NOT MORE THAN TWO ABUTTING LOTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.

Attorney Lance Fuchs read the title in its entirety.

There being no public comment, a motion was made by Council Vice President Foy, seconded by Council Member Uptegraph and unanimously passed (5-0) to approve Ordinance No. 361 on second reading.

FIRST READINGS AND REGULAR AGENDA

RESOLUTION R2007-04 RE: LINEAR PARK:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, AUTHORIZING THE CONVEYANCE OF APPROXIMATELY 24 ACRES OF REAL PROPERTY TO PALM BEACH COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Fuchs read the title in its entirety. A motion was made by Council Member Beavers, seconded by Council Member Uptegraph and unanimously passed (5-0) to approve Resolution R2007-04 conveying the property known as the Linear Park to Palm Beach County.

It was recommended by Attorney Fuchs that The Town Council consider a motion authorizing the Mayor to execute the Warranty Deed conveying the property to Palm Beach County.

Council President confirmed that the Resolution would serve as an authorization by the Town Council.

Council Vice President Foy reminded all that when the Council accepted the Linear Park property, it had entered into other agreements such as the CRALLS designation for Belvedere Road, transfer of TDRs and the agreement that the development (Sun Terra) would agree to annex into the Town of Haverhill should the Town's western boundaries extend to become contiguous with the development.

Council President Woods noted that those were separate agreements and conditions entered into with the individual parties and as such were not part of the acquisition of the Linear Park property. As such, those conditions, agreements and deed restrictions would remain in effect.

A motion was then made by Council Vice President Foy, seconded by Council Member Lynch and unanimously passed (5-0) to authorize the Mayor to sign the Deed granting the property to Palm Beach County.

REPORTS

Town Attorney

None.

Mayor

None.

Consultants

Town Planner Jack Horniman addressed the Town Council and reminded all that the Town Council would need to begin the procedure to amend the Comprehensive Plan to become compliant with the newly adopted Evaluation and Appraisal Report. He explained that he was still waiting to hear back from the Department of Community Affairs as to the extent of the back up documentation that would be required.

The Town would need to update all of the maps included in the Plan. That cost was also an unknown.

Based on the information available to the Town Planner, specific to the amendment to the Plan itself, Mr. Horniman estimated a minimum cost to bring the Comprehensive Plan into compliance would be in the neighborhood of \$35,000. He stressed that the Town needed to begin the amendment process.

Discussion followed. The Town had not budgeted a specific line item to cover anticipated costs for the Comprehensive Plan Amendments. The line item for Town Planning services would not be adequate to cover the additional costs. Council Vice President Foy expressed concern that the Town would need to approve the continuation of the Town Planner's services in this regard and would need to pass a line item transfer. It had been the previous practice of the Town Council to make all line item transfers once annually. Council Vice President Foy did not agree with intentional over expenditures of budgeted line items.

In response to Council Vice President Foy's inquiry, Town Planner Horniman explained that if the Town's Comprehensive Plan was not updated within the eighteen month time frame, the Town would be restricted to making any other amendments to its Comprehensive Plan.

It was agreed that the Town Planner would proceed with time and expenses and staff would report back to the Town Council with a recommendation for accounting procedures.

Assistant Town Administrator/Town Clerk

The Town Clerk reported that Kris Garrison, Palm Beach County School District Director of Planning had been in contact with the Mayor earlier in the day concerning use of the school owned property located within the Town's boundary as a passive park. Discussion followed and it was the general consensus of the Council that as long as the School District owned property within the Town's boundaries for school use it was in violation of the Town's Comprehensive Plan. The Town would proceed with its objection with the Department of Community Affairs.

Code Enforcement Officer Joseph Roche reminded the Town Council that there were buildings on the Trailway Lane property that would need to be demolished. The school board would need to obtain permits from the town.

It was suggested that the Town Council request the School District to refrain from demolishing any building on the property until the school's use of the property located within the Town's boundaries was worked out. This suggestion was made in the event the School District would need to sell the property, the value of the buildings would not be unnecessarily removed from the tax base, and the cost of demolishing the buildings would not be a tax burden to the residents. The Town Attorney would research the matter and report back to the Town Council.

A motion was made by Council Vice President Foy, seconded by Council Member Beavers and unanimously passed (5-0) to reschedule the regularly scheduled monthly Council Workshop from May 1, 2007 to May 8, 2007 due to a conflict of schedules.

The Town Clerk reported that she, the Mayor and Donna Mallery, CPA Financial Consultant (via conference call) had scheduled an interview with Grau and Associates for April 19, 2007 at 6:00 p.m. Grau and Associates were the auditing firm that had submitted a proposal to perform the Town's audit for the FY year ending September 30, 2006.

The Building Official had requested the Town Clerk update the Town Council on the Tower Construction. The power had been released on the Tower. The Building Official and the Town Engineer had met with the principals to go over drainage issues, etc. The project had not yet been finalized.

The Town Clerk then reported on the status of the Sunset Isles (Integrity) property. At a minimum the property would need to be fenced in to meet NPDES requirements, however, Staff was concerned that the property may become abandoned. It was agreed to request the Building Official contact the property owner to inform them of the Town's and/or the Building Code regulations for the property. There was no bond posted on the property as the permit had been applied for prior to filing the plat.

The Clerk reported that the date to discuss the Belvedere Road widening project with representatives of Palm Beach County had not yet been confirmed.

Committee/Delegate Report

Council Vice President Foy scheduled a meeting of the Code and Ordinance Committee for April 24, 2007 at noon.

A meeting of the Special Events Committee had been scheduled for April 19, 2007 at noon.

A meeting of the Annexation Committee had been scheduled for May 3, 2007 at noon.

Treasurer's Report

(Included in the Packet)

UNFINISHED BUSINESS

Town of Haverhill Streetscape Beautification Master Plan

A brief discussion followed concerning Streetscape Beautification Master plan that had been presented to the Town Council during the workshop on April 10, 2007. Council Vice President Foy suggested the Town Council consider a line item in the budget for this item. The Town Council expressed concern that one of the proposals called for the residents to be responsible for the plantings in the easements. Because Jo Ellen of Land Stewardship was requested to attend the Council Meeting of April 26th, to address these and other outstanding issues, no further discussion followed.

It was suggested that the Town seek grants for the implementation of the Master Plan. It was hoped that upcoming committee appointments would assist in these matters.

Code Enforcement Officer Joseph Roche expressed his concern over the number of school children that have to walk in the middle of Club Road because there were no sidewalks. He anticipated there were over twenty students dropped off of school buses on a daily basis.

It was suggested that Staff research any Club Road restrictions and report back to the Town Council.

No action was taken on the proposed improvements to Rutherford Road as the Mayor was going to report on possible additional funding from the County.

The Town Clerk reported that she had been in touch with the County and was instructed to write a letter on behalf of the Mayor to request possible funding from remaining Community Development Block Grants sources that could possibly be used for the installation of the Town Hall Lift Station.

Council President Woods reminded all that the Town Council had expressed an interest in adopting a Resolution joining the other members of the Florida League of Cities in support of Legislation affecting Town Rule. Resolution R2007-03 was presented to the Council in January and action was tabled to be discussed at a workshop.

Council President Woods stated he was not in favor of the Resolution as it was the voters that had originally approved the referendum. Adopting the Resolution would conflict with the wishes of the voters.

It was the general consensus of the Town Council to take no further action on Resolution R2007-03.

The Town Clerk reported that Senator Aronberg's office had been in contact with her earlier in the day to report that there had been no definitive action taken by the legislature concerning the proposed tax reform issues.

Council Vice President Foy reported that Ken Todd of Palm Beach County had finally received word that the HMPG grant for the Briarwood outfall project had been funded and the matter had been placed on the Board of County Commissioner's agenda.


NEW BUSINESS

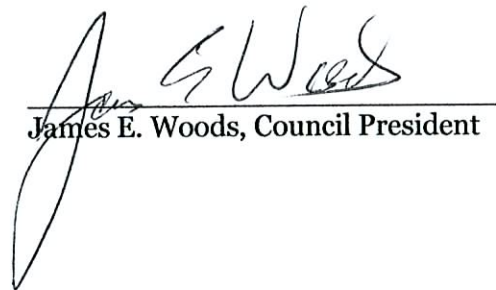
Council Vice President Foy reported that as a follow up to his comments made at the April 10, 2007 Workshop concerning the alternate road resurfacing product being considered for the Rutherford Road improvement project, he had been to the South Indian River Water Control District and was able to see the product in use. He explained that OGEM was an asphalt rubberized mix that was laid down over base. Although it seemed to be a semi permeable, fairly decent surface for long term, low traffic use, it was not as inexpensive as anticipated. Council Vice President Foy stated that although it was an interesting concept, it was not something he would recommend for use by the Town.

ADJOURNMENT

With no further business to come before the Town Council, the meeting was ordered adjourned at 8:05 p.m.

Approved: 4.26.07
Date


Janice C. Rutan, Town Clerk


James E. Woods, Council President